



Practitioner's Docket No. 700953-45394-CPA2-C

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Schlom, J. et al.

Application No.: 09/693,121

Group No.: 1642

Filed: October 20, 2000

Examiner: Yaen, Christopher H.

For: GENERATION OF IMMUNE RESPONSES TO PROSTATE-SPECIFIC ANTIGEN (PSA)

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

Your Petitioners, **Therion Biologics Corporation and The United States of America** as represented by the Secretary of State, hereby certify that pursuant to its review of the pertinent evidentiary documents involved herein, and to the best of the Petitioners' knowledge and belief, ownership right, title and interest in the above-identified application, as well as all patents referred to herein, is in the assignee seeking to take the present action.

Petitioners are the owners of 100 percent interest in both the above-identified continuation patent application and its parent application, U.S.S.N. 08/500,305 filed 07/10/1995 now U.S. Patent No. 6,165,460, by virtue of an Assignment filed 1/16/98, Reel 8940, Frame 0525.

Petitioners hereby disclaim, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer filed prior to the issue of U.S. Patent No. 6,165,460, of which

Petitioners are the owners of 100 percent interest.

Petitioners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period that it and U.S. Patent No. 6,165,460, are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer petitioners do not disclaim the terminal part of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of U.S. Patent No. 6,165,460, is shortened by any terminal disclaimer filed prior to the patent grant, in the event that U.S. Patent No. 6,165,460, for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, or terminally disclaimed under 37 C.F.R. §1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

A check for the Terminal Disclaimer Fee under 37 C.F.R. §1.20(d) is attached hereto. Should any additional fees be required with this submission, or if any credit is due for over payment the Commissioner is requested to access Deposit Account No. 50-0850 concerning the same.

The undersigned hereby declares that all statements made herein of his or her own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement


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and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

Date:

9/30/03



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